IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.909 OF 1998.

Central Bank of India.
a body corporate constituted
under the Banking Companies
(Acquisition and Transfer of
Undertakings) Act V of 1970
having its head office at
Chandermukhi, Nariman Point,
Bombay 400 021, a Branch office
amongst others at S.V.P.Road,
Bombay 400 004. ... Plaintiff.

Versus.

Prithviraj Prakasham, sole
proprietor of Compuperipherals
Sales, having his place of
business at 75 Laxmi Building,
4th floor, Sir P.M.Road, Fort,
Bombay 400 001 and at 103, Gayatri
Apartmenrs Cooperative Housing
Society Ltd., M.Phule Road,
Vishnunagar, Dombivli West
421 202 and also at A-3 SIDCO
Industrial Estate, Mettur Dam,
Salem 636 402. ... Defendant.

Shri Kalpesh Parekh i/by Pragna Thakkar for the Plaintiff.

None for the Defendant.

CORAM : ABHAY S.OKA, J.

DATED : 16th July, 2007.

ORAL JUDGMENT.:

1. Heard the learned Counsel appearing for the Plaintiff. This money suit is filed by the Plaintiff for recovery of the amount payable by the Defendant under the cash credit facility granted on 22nd February 1995 to the extent of Rs.3 lakhs. An affidavit of evidence of Shri Sunilkumar Garg, the Manager of the

Plaintiff is tendered on record. The affidavit is taken on record and marked "X" for identification. Along with the affidavit, a compilation of original documents has been produced. The compilation is marked "Y" for identification. At item No.16 of the list of documents, the Plaintiff has produced a certified true copy extract of the accounts of the Defendant in accordance with the provisions of the Bankers' Book Evidence Act, 1891.

2. There is no written statement filed by the Defendant. The claim of the Plaintiff is duly proved by the affidavit of evidence. The original documents tendered on record are also proved by the affidavit of evidence of Shri Sunil Kumar Garg.

3. The Plaintiff has prayed for interest under section 34 of the Code of Civil Procedure, 1908 at the rate of 20.90% per annum with quarterly rests. Considering the facts of the case, the Plaintiff will be entitled to the interest at the rate of 18% per annum.

4. There will be a decree in terms of prayer clause (a) to (c) and (i) with modification that the interest payable will be at the rate of 18% per annum from the date of institution of the suit till realisation of the amount.

5. To enable the Plaintiff to take appropriate steps in the execution proceedings, interim order passed by this Court on 7th April 2000 in Notice of Motion No.1161 of 1998 will continue to operate for a period of six months from today.

6. Certified copy is expedited.

7. The Plaintiff will be entitled to the refund of Court fees, if any, as per the Rules.

Judge.